

Message Text

PAGE 01 STATE 105914

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TAGS:TECH, IR

SUBJECT: NEGOTIATION OF U.S./IRAN AGREEMENT FOR
COOPERATION

1. FOLLOWING IS REVISED TEXT OF NUCLEAR COOPERATION
AGREEMENT WITH IRAN FOR TRANSMITTAL TO IAEA IN ACCORDANCE
WITH INSTRUCTIONS IN REFTTEL:

2. TEXT: TITLE: AGREEMENT FOR COOPERATION BETWEEN THE
GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE IMPERIAL
GOVERNMENT OF IRAN CONCERNING CIVIL USES OF ATOMIC ENERGY
END TITLE.

WHEREAS THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND
THE IMPERIAL GOVERNMENT OF IRAN DESIRE TO PURSUE A RESEARCH
AND DEVELOPMENT PROGRAM LOOKING TOWARD THE REALIZATION OF
PEACEFUL USES OF ATOMIC ENERGY, INCLUDING THE DESIGN,
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PAGE 02 STATE 105914

CONSTRUCTION, AND OPERATION OF POWER-PRODUCING REACTORS
AND RESEARCH REACTORS, AND THE EXCHANGE OF INFORMATION
RELATING TO THE DEVELOPMENT OF OTHER PEACEFUL USES OF
ATOMIC ENERGY; AND

WHEREAS THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE IMPERIAL GOVERNMENT OF IRAN ARE DESIROUS OF ENTERING INTO THIS AGREEMENT TO COOPERATE WITH EACH OTHER TO ATTAIN THE ABOVE OBJECTIVES;

WHEREAS THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE IMPERIAL GOVERNMENT OF IRAN DESIRE THIS AGREEMENT TO SUPERSEDE THE "AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE CIVIL USES OF ATOMIC ENERGY" SIGNED ON MARCH 5, 1957, AS AMENDED BY THE AGREEMENTS SIGNED ON JUNE 8, 1964, AND MARCH 18, 1969;

THE PARTIES AGREE AS FOLLOWS:

ARTICLE I. FOR THE PURPOSES OF THIS AGREEMENT:

(1) "PARTIES" MEANS THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE IMPERIAL GOVERNMENT OF IRAN, INCLUDING THE ADMINISTRATION ON BEHALF OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE ORGANIZATION ON BEHALF OF THE IMPERIAL GOVERNMENT OF IRAN. "PARTY" MEANS ONE OF THE ABOVE PARTIES.

(2) "ADMINISTRATION" MEANS THE UNITED STATES ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION.

(3) "ORGANIZATION" MEANS THE ATOMIC ENERGY ORGANIZATION OF IRAN.

(4) "ATOMIC WEAPON" MEANS ANY DEVICE UTILIZING ATOMIC ENERGY, EXCLUSIVE OF THE MEANS OF TRANSPORTING OR PROPELLING THE DEVICE (WHERE SUCH MEANS IS A SEPARABLE AND DIVISIBLE PART OF THE DEVICE), THE PRINCIPAL PURPOSE OF WHICH IS FOR USE AS, OR FOR DEVELOPMENT OF, A WEAPON, PROTOTYPE, OR A WEAPON TEST DEVICE.

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PAGE 03 STATE 105914

(5) "BYPRODUCT MATERIAL" MEANS ANY RADIOACTIVE MATERIAL (EXCEPT SPECIAL NUCLEAR MATERIAL) YIELDED IN OR MADE RADIOACTIVE BY EXPOSURE TO THE RADIATION INCIDENT TO THE PROCESS OF PRODUCING OR UTILIZING SPECIAL NUCLEAR MATERIAL.

(6) "EQUIPMENT AND DEVICES" AND "EQUIPMENT OR DEVICES" MEAN ANY INSTRUMENT, APPARATUS, OR FACILITY, AND INCLUDE ANY FACILITY, EXCEPT AN ATOMIC WEAPON, CAPABLE OF MAKING USE OF OR PRODUCING SPECIAL NUCLEAR MATERIAL, AND COMPONENT PARTS THEREOF.

(7) "PERSON" MEANS ANY INDIVIDUAL, CORPORATION, PARTNERSHIP, FIRM, ASSOCIATION, TRUST, ESTATE, PUBLIC OR PRIVATE INSTITUTION, GROUP, GOVERNMENT AGENCY, OR

GOVERNMENT CORPORATION BUT DOES NOT INCLUDE THE PARTIES TO THIS AGREEMENT.

(8) "PEACEFUL PURPOSES" AND "PEACEFUL USES" INCLUDE APPLICATIONS OF MATERIALS, EQUIPMENT AND DEVICES IN ACTIVITIES IN SUCH FIELDS AS RESEARCH, POWER GENERATION, MEDICINE, AGRICULTURE AND INDUSTRY BUT DO NOT INCLUDE RESEARCH ON OR DEVELOPMENT OF ANY ATOMIC WEAPON OR ANY NUCLEAR EXPLOSIVE DEVICE, OR OTHER MILITARY PURPOSE.

(9) "REACTOR" MEANS AN APPARATUS, OTHER THAN AN ATOMIC WEAPON, IN WHICH A SELF-SUPPORTING FISSION CHAIN REACTION IS MAINTAINED BY UTILIZING URANIUM, PLUTONIUM OR THORIUM, OR ANY COMBINATION OF URANIUM, PLUTONIUM OR THORIUM.

(10) "RESTRICTED DATA" MEANS ALL DATA CONCERNING, (A) DESIGN, MANUFACTURE, OR UTILIZATION OF ATOMIC WEAPONS, (B) THE PRODUCTION OF SPECIAL NUCLEAR MATERIAL, OR (C) THE USE OF SPECIAL NUCLEAR MATERIAL IN THE PRODUCTION OF ENERGY, BUT SHALL NOT INCLUDE DATA DECLASSIFIED OR REMOVED FROM THE CATEGORY OF RESTRICTED DATA BY THE APPROPRIATE AUTHORITY.

(11) "SAFEGUARDS" MEANS A SYSTEM OF CONTROLS DESIGNED LIMITED OFFICIAL USE LIMITED OFFICIAL USE

PAGE 04 STATE 105914

TO ASSURE THAT ANY MATERIALS, EQUIPMENT AND DEVICES COMMITTED TO THE PEACEFUL USES OF ATOMIC ENERGY ARE NOT USED TO FURTHER ANY MILITARY PURPOSE.

(12) "SOURCE MATERIAL" MEANS (A) URANIUM, THORIUM, OR ANY OTHER MATERIAL WHICH IS DETERMINED BY EITHER PARTY TO BE SOURCE MATERIAL, OR (B) ORES CONTAINING ONE OR MORE OF THE FOREGOING MATERIALS, IN SUCH CONCENTRATION AS EITHER PARTY MAY DETERMINE FROM TIME TO TIME.

(13) "SPECIAL NUCLEAR MATERIAL" MEANS (A) PLUTONIUM, URANIUM ENRICHED IN THE ISOTOPE 233 OR IN THE ISOTOPE 235, AND ANY OTHER MATERIAL WHICH EITHER PARTY DETERMINES TO BE SPECIAL NUCLEAR MATERIAL, OR (B) ANY MATERIAL ARTIFICIALLY ENRICHED BY ANY OF THE FOREGOING.

(14) "SUPERSEDED AGREEMENT" MEANS THE AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF IRAN SIGNED BY THE PARTIES ON MARCH 5, 1957, AS AMENDED BY THE AGREEMENTS

SIGNED ON JUNE 8, 1964 AND MARCH 18, 1969.

(15) "TRANSFER" OF SPECIAL NUCLEAR MATERIAL MEANS
DELIVERY OF POSSESSION OF SUCH MATERIAL TO THE IMPERIAL

GOVERNMENT OF IRAN OR AUTHORIZED PERSONS UNDER ITS JURIS-
DICTION, OR THEIR AGENTS, REGARDLESS OF THE LEGAL
CHARACTER OF THE TRANSACTION. SUCH TRANSFERS ARE CONTEM-
PLATED TO INCLUDE, INTER ALIA, TRANSFERS UNDER SALE,
LEASE, OR URANIUM ENRICHMENT SERVICES CONTRACTS, OR UNDER
AGREEMENTS ENTITLING THE IMPERIAL GOVERNMENT OF IRAN TO
A PORTION OF THE SEPARATIVE WORK OUTPUT OF URANIUM
ENRICHMENT FACILITIES IN THE U.S. IN WHICH THE IMPERIAL
GOVERNMENT OF IRAN HAS INVESTED.

ARTICLE II. A. SUBJECT TO THE PROVISIONS OF THIS AGREE-
MENT, THE AVAILABILITY OF PERSONNEL AND MATERIAL, AND
THE APPLICABLE LAWS, TREATIES, REGULATIONS, AND LICENSE
REQUIREMENTS IN FORCE IN THEIR RESPECTIVE COUNTRIES, THE
PARTIES SHALL COOPERATE WITH EACH OTHER IN THE ACHIEVEMENT
OF THE USES OF ATOMIC ENERGY FOR PEACEFUL PURPOSES.

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PAGE 05 STATE 105914

B. RESTRICTED DATA SHALL NOT BE COMMUNICATED UNDER
THIS AGREEMENT, AND NO MATERIALS OR EQUIPMENT AND DEVICES
SHALL BE TRANSFERRED, AND NO SERVICES SHALL BE
FURNISHED, UNDER THIS AGREEMENT, IF THE TRANSFER OF ANY
SUCH MATERIALS OR EQUIPMENT AND DEVICES OR THE FURNISHING
OF ANY SUCH SERVICES INVOLVES THE COMMUNICATION OF
RESTRICTED DATA.

ARTICLE III. SUBJECT TO THE PROVISIONS OF ARTICLE II,
THE PARTIES SHALL EXCHANGE UNCLASSIFIED INFORMATION WITH
RESPECT TO THE APPLICATION OF ATOMIC ENERGY TO PEACEFUL
PURPOSES AND THE CONSIDERATIONS OF HEALTH AND SAFETY
CONNECTED THEREWITH. THE EXCHANGE OF INFORMATION PROVIDED
FOR IN THIS ARTICLE WILL BE ACCOMPLISHED THROUGH VARIOUS
MEANS, INCLUDING REPORTS, CONFERENCES AND VISITS TO
FACILITIES.

ARTICLE IV. A. MATERIALS OF INTEREST IN CONNECTION WITH
THE APPLICATION OF ATOMIC ENERGY TO PEACEFUL PURPOSES,
INCLUDING SOURCE MATERIAL, HEAVY WATER, BYPRODUCT MATERIAL,
OTHER RADIOISOTOPE, STABLE ISOTOPES, AND SPECIAL NUCLEAR
MATERIAL FOR PURPOSES OTHER THAN FUELING REACTORS AND
REACTOR EXPERIMENTS, MAY BE TRANSFERRED BETWEEN THE
PARTIES FOR DEFINED APPLICATIONS IN SUCH QUANTITIES AND
UNDER SUCH TERMS AND CONDITIONS AS MAY BE AGREED SUBJECT TO
THE PROVISIONS OF ARTICLE II.

B. WITH RESPECT TO THE APPLICATIONS OF ATOMIC ENERGY

TO PEACEFUL PURPOSES, EQUIPMENT AND DEVICES MAY BE TRANSFERRED BETWEEN THE PARTIES UNDER SUCH TERMS AND CONDITIONS AS MAY BE AGREED SUBJECT TO THE PROVISIONS OF ARTICLE II.

ARTICLE V. THE APPLICATION OR USE OF ANY INFORMATION (INCLUDING DESIGN DRAWINGS AND SPECIFICATIONS), AND ANY MATERIAL, EQUIPMENT AND DEVICES, EXCHANGED OR TRANSFERRED BETWEEN THE PARTIES UNDER THIS AGREEMENT OR THE SUPERSEDED AGREEMENT SHALL BE THE RESPONSIBILITY OF THE RECEIVING PARTY, AND THE OTHER PARTY DOES NOT WARRANT THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION AND DOES NOT WARRANT LIMITED OFFICIAL USE
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PAGE 06 STATE 105914

THE SUITABILITY OF SUCH INFORMATION, MATERIAL, EQUIPMENT AND DEVICES FOR ANY PARTICULAR USE OR APPLICATION.

ARTICLE VI. A. WITH RESPECT TO THE APPLICATION OF ATOMIC ENERGY TO PEACEFUL PURPOSES, IT IS UNDERSTOOD THAT ARRANGEMENTS MAY BE MADE BETWEEN EITHER PARTY OR AUTHORIZED PERSONS UNDER ITS JURISDICTION AND AUTHORIZED PERSONS UNDER THE JURISDICTION OF THE OTHER PARTY FOR THE TRANSFER OF EQUIPMENT AND DEVICES AND MATERIALS OTHER THAN SPECIAL NUCLEAR MATERIAL AND FOR THE PERFORMANCE OF SERVICES WITH RESPECT THERETO.

B. WITH RESPECT TO THE APPLICATION OF ATOMIC ENERGY TO PEACEFUL PURPOSES, IT IS UNDERSTOOD THAT ARRANGEMENTS MAY BE MADE BETWEEN EITHER PARTY OR AUTHORIZED PERSONS UNDER ITS JURISDICTION AND AUTHORIZED PERSONS UNDER THE JURISDICTION OF THE OTHER PARTY FOR THE TRANSFER OF SPECIAL NUCLEAR MATERIAL, INCLUDING TRANSFER OF SUCH MATERIAL UNDER URANIUM ENRICHMENT SERVICES CONTRACTS, AND FOR THE PERFORMANCE OF SERVICES WITH RESPECT THERETO FOR THE USES SPECIFIED IN, AND PURSUANT TO THE PROVISIONS OF, ARTICLES IV, VII, VIII, AND IX.

C. THE PARTIES AGREE THAT THE ACTIVITIES REFERRED TO IN PARAGRAPHS A AND B OF THIS ARTICLE SHALL BE SUBJECT TO THE APPLICABLE CONDITIONS SET FORTH IN THIS AGREEMENT AND TO THE POLICIES OF THE PARTIES WITH REGARD TO TRANSACTIONS INVOLVING THE AUTHORIZED PERSONS REFERRED TO IN PARAGRAPHS A AND B OF THIS ARTICLE.

ARTICLE VII. A. UNDER TERMS AND CONDITIONS AS MAY BE AGREED, URANIUM ENRICHED IN THE ISOTOPE U-235 MAY BE TRANSFERRED TO THE IMPERIAL GOVERNMENT OF IRAN OR PERSONS UNDER ITS JURISDICTION FOR USE AS FUEL WITHIN IRAN IN REACTORS FOR POWER APPLICATIONS; IN REACTORS FOR APPLICATIONS OTHER THAN POWER, INCLUDING REACTORS FOR RESEARCH, MATERIALS TESTING, EXPERIMENTAL, SCIENTIFIC AND INDUSTRIAL

USES; AND IN REACTOR EXPERIMENTS. SUCH TRANSFERS OF SPECIAL NUCLEAR MATERIAL FOR USE AS FUEL IN REACTORS FOR POWER APPLICATIONS SHALL BE SUBJECT TO ARTICLE IX. URANIUM ENRICHED TO LESS THAN 20 PERCENT IN THE ISOTOPE U-235 LIMITED OFFICIAL USE LIMITED OFFICIAL USE

PAGE 07 STATE 105914

WHICH IS TRANSFERRED PURSUANT TO THIS PARAGRAPH MAY BE CONVERTED OR FABRICATED OR STORED WITHIN IRAN.

B. SPECIAL NUCLEAR MATERIAL OTHER THAN URANIUM ENRICHED IN THE ISOTOPE U-235 MAY, SUBJECT TO MUTUAL AGREEMENT BETWEEN THE PARTIES, BE TRANSFERRED BY PERSONS UNDER THE JURISDICTION OF THE UNITED STATES TO THE IMPERIAL GOVERNMENT OF IRAN, OR TO AUTHORIZED PERSONS UNDER ITS JURISDICTION, FOR USE WITHIN IRAN AS FUEL IN REACTORS AND REACTOR EXPERIMENTS.

C. URANIUM ENRICHED TO LESS THAN 20 PERCENT IN THE ISOTOPE U-235 MAY ALSO BE TRANSFERRED TO THE IMPERIAL GOVERNMENT OF IRAN OR TO AUTHORIZED PERSONS UNDER ITS JURISDICTION, UNDER TERMS AND CONDITIONS AS MAY BE AGREED BY THE PARTIES, FOR THE PERFORMANCE IN IRAN OF CONVERSION OR FABRICATION SERVICES, OR BOTH, AND FOR SUBSEQUENT RETRANSFER TO ANOTHER NATION OR GROUP OF NATIONS IN ACCORDANCE WITH THIS AGREEMENT.

ARTICLE VIII. A. THE ENRICHED URANIUM SUPPLIED UNDER THIS AGREEMENT MAY CONTAIN UP TO TWENTY PERCENT (20) IN THE ISOTOPE U-235. UPON MUTUAL AGREEMENT, A PORTION OF THE URANIUM ENRICHED IN THE ISOTOPE U-235 SO SUPPLIED MAY BE MADE AVAILABLE AS MATERIAL CONTAINING MORE THAN TWENTY PERCENT (20) IN THE ISOTOPE U-235 WHEN THERE IS A TECHNICAL OR ECONOMIC JUSTIFICATION FOR SUCH A TRANSFER.

B. (L) SUBJECT TO THE RELEVANT RESTRICTIONS OF ARTICLE IX, THE QUANTITY OF URANIUM ENRICHED IN THE ISOTOPE U-235 TRANSFERRED UNDER ARTICLE VII, AND UNDER THE JURISDICTION OF THE IMPERIAL GOVERNMENT OF IRAN, SHALL NOT AT ANY TIME BE IN EXCESS OF THE QUANTITY THEREOF AS THE PARTIES AGREE IS NECESSARY FOR THE LOADING OF REACTORS OR REACTOR EXPERIMENTS, FOR THE EFFICIENT AND CONTINUOUS OPERATION OF SUCH REACTORS OR REACTOR EXPERIMENTS, AND FOR THE ACCOMPLISHMENT OF THE PURPOSES PROVIDED FOR IN PARAGRAPH C OF ARTICLE VII.

(2) ANY URANIUM ENRICHED IN THE ISOTOPE U-235 CORRESPONDING TO THE SEPARATIVE WORK OUTPUT TO WHICH THE IMPERIAL GOVERNMENT OF IRAN IS ENTITLED BY REASON OF AN LIMITED OFFICIAL USE LIMITED OFFICIAL USE

PAGE 08 STATE 105914

AGREEMENT OR AGREEMENTS UNDER WHICH IT INVESTS IN A URANIUM ENRICHMENT FACILITY OR FACILITIES IN THE UNITED STATES, AND WHICH IS NOT TRANSFERRED TO IRAN PURSUANT TO THIS AGREEMENT, MAY BE DISPOSED OF BY THE IMPERIAL GOVERNMENT OF IRAN IN ACCORDANCE WITH THE TERMS OF AN APPROPRIATE AGREEMENT BETWEEN THE PARTIES RELATING TO SUCH INVESTMENT BY THE IMPERIAL GOVERNMENT OF IRAN.

C. WHEN ANY SPECIAL NUCLEAR MATERIAL SUBJECT TO ARTICLE X, PARAGRAPH (2 OF THIS AGREEMENT:

L. REQUIRES REPROCESSING; OR

2. DOES NOT CONSIST EXCLUSIVELY OF URANIUM ENRICHED TO LESS THAN TWENTY PERCENT IN THE ISOTOPE U-235 AND REQUIRES FABRICATION OR STORAGE: OR

3. IS CONTAINED IN IRRADIATED FUEL ELEMENTS WHICH ARE TO BE REMOVED FROM A REACTOR AND ALTERED IN A FORM OR CONTENT; SUCH REPROCESSING, FABRICATION, STORAGE OR ALTERATION SHALL BE PERFORMED IN FACILITIES ACCEPTABLE TO THE PARTIES.

D. SPECIAL NUCLEAR MATERIAL PRODUCED THROUGH THE USE OF MATERIAL TRANSFERRED TO THE IMPERIAL GOVERNMENT OF IRAN OR AUTHORIZED PERSONS UNDER ITS JURISDICTION PURSUANT TO THIS AGREEMENT OR THE SUPERSEDED AGREEMENT MAY BE RETRANSFERRED TO ANOTHER NATION OR GROUP OF NATIONS, PROVIDED THAT THE UNITED STATES OF AMERICA AGREES THAT SUCH NATIONS OR GROUP OF NATIONS HAS AN APPROPRIATE AGREEMENT FOR COOPERATION WITH THE GOVERNMENT OF THE UNITED STATES OF AMERICA OR SUCH NATION OR GROUP OF NATIONS GUARANTEES TO THE PARTIES THE USE OF SUCH SPECIAL NUCLEAR MATERIAL FOR PEACEFUL PURPOSES UNDER SAFEGUARDS AND OTHER ARRANGEMENTS ACCEPTABLE TO THE PARTIES.

E. THE PARTIES SHALL CONSULT ON PHYSICAL SECURITY MEASURES TO ENSURE THAT NUCLEAR MATERIALS, EQUIPMENT, AND DEVICES SUBJECT TO ARTICLE X OF THIS AGREEMENT WILL BE PROTECTED FROM USES NOT AUTHORIZED BY THE IMPERIAL GOVERNMENT OF IRAN AND FROM THEFT AND SABOTAGE, AND SHALL LIMITED OFFICIAL USE
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PAGE 09 STATE 105914

AGREE ON TECHNICAL STANDARDS FOR THE APPLICATION OF SUCH MEASURES WHICH, IN THE OPINION OF BOTH PARTIES, PROVIDE ADEQUATE PROTECTION AGAINST UNAUTHORIZED USE, THEFT, OR SABOTAGE. THE IMPERIAL GOVERNMENT OF IRAN GUARANTEES THAT PHYSICAL SECURITY MEASURES IN ACCORDANCE WITH AGREED TECHNICAL STANDARDS SHALL BE MAINTAINED WITH RESPECT TO ALL AMATERIALS, EQUIPMENT, AND DEVICES WHICH ARE SUBJECT TO

ARTICLE X OF THIS AGREEMENT. THE IMPLEMENTATION OF THESE MEASURES SHALL BE REVIEWED BY THE PARTIES FROM TIME TO TIME, AND WHENEVER EITHER PARTY IS OF THE VIEW THAT A REVISION MAY BE REQUIRED TO MAINTAIN EFFECTIVE PHYSICAL SECURITY. THE PARTIES SHALL THEN AGREE, IF NECESSARY, ON REVISED TECHNICAL STANDARDS. IT IS UNDERSTOOD BY THE PARTIES THAT CONTINUED COOPERATION UNDER THIS AGREEMENT IS DEPENDENT UPON THE MAINTENANCE BY THE IMPERIAL GOVERNMENT OF IRAN OF EFFECTIVE PHYSICAL SECURITY MEASURES IN ACCORDANCE WITH THE TECHNICAL STANDARDS AGREED TO UNDER THIS PARAGRAPH.

F. SOME ATOMIC ENERGY MATERIALS WHICH MAY BE PROVIDED IN ACCORDANCE WITH THIS AGREEMENT, OR MAY HAVE BEEN PROVIDED UNDER THE SUPERSEDED AGREEMENT, ARE HARMFUL TO PERSONS AND PROPERTY UNLESS HANDLED AND USED CAREFULLY. AFTER DELIVERY OF SUCH MATERIALS, THE IMPERIAL GOVERNMENT OF IRAN SHALL BEAR ALL RESPONSIBILITY, INsofar AS THE GOVERNMENT OF THE UNITED STATES OF AMERICA IS CONCERNED, FOR THE SAFE HANDLING AND USE OF SUCH MATERIALS.

ARTICLE IX

A. SUBJECT TO THE PROVISIONS OF PARAGRAPH A OF THIS ARTICLE, THE SEPARATIVE WORK REQUIRED TO PRODUCE THE URANIUM ENRICHED IN THE ISOTOPE U-235 TRANSFERRED UNDER THIS AGREEMENT TO IRAN FOR USE AS FUEL IN REACTORS IN IRAN FOR POWER APPLICATIONS SHALL NOT EXCEED THAT NECESSARY TO SUPPORT THE FUEL CYCLES OF REACTORS HAVING A TOTAL INSTALLED CAPACITY OF 8,000 MEGAWATTS ELECTRIC.

B. IN THE EVENT THAT THE IMPERIAL GOVERNMENT OF IRAN ENTERS INTO AN AGREEMENT OR AGREEMENTS ENTITLING IT TO A PORTION OF THE SEPARATIVE WORK OUTPUT OF A URANIUM LIMITED OFFICIAL USE LIMITED OFFICIAL USE

PAGE 10 STATE 105914

FACILITY OR FACILITIES IN THE UNITED STATES IN WHICH IT HAS INVESTED, REQUIRED TO PRODUCE THE URANIUM ENRICHED IN THE ISOTOPE U-235 THE QUANTITY OF SEPARATIVE WORK TRANSFERRED UNDER THIS AGREEMENT FOR USE AS FUEL IN REACTORS IN IRAN FOR POWER APPLICATIONS MAY ALSO INCLUDE THAT AMOUNT OF SEPARATIVE WORK TO WHICH THE IMPERIAL GOVERNMENT OF IRAN IS ENTITLED PURSUANT TO SUCH AGREEMENT OR AGREEMENTS; PROVIDED, HOWEVER, THAT THE TOTAL AMOUNT OF SEPARATIVE WORK REQUIRED TO PRODUCE THE URANIUM ENRICHED IN THE ISOTOPE U-235 TRANSFERRED UNDER THIS AGREEMENT FOR USE AS FUEL IN REACTORS IN IRAN FOR POWER APPLICATION SHALL NOT EXCEED THAT NECESSARY TO SUPPORT THE FUEL CYCLES OF REACTORS HAVING A TOTAL INSTALLED CAPACITY OF 23,000 MW ELECTRIC

ARTICLE X

THE IMPERIAL GOVERNMENT OF IRAN GUARANTEES THAT:

(1) SAFEGUARDS PROVIDED IN ARTICLE XI SHALL BE MAINTAINED.

(2) NO MATERIAL, INCLUDING EQUIPMENT AND DEVICES, TRANSFERRED TO THE IMPERIAL GOVERNMENT OF IRAN OR AUTHORIZED PERSONS UNDER ITS JURISDICTION BY PURCHASE OR OTHERWISE PURSUANT TO THIS AGREEMENT OR THE SUPERSEDED AGREEMENT AND NO SPECIAL NUCLEAR MATERIAL PRODUCED THROUGH THE USE OF SUCH MATERIAL, EQUIPMENT OR DEVICES, WILL BE USED FOR ATOMIC WEAPONS OR OTHER NUCLEAR EXPLOSIVE DEVICES, FOR RESEARCH ON OR DEVELOPMENT OF ATOMIC WEAPONS OR OTHER NUCLEAR EXPLOSIVE DEVICES, OR FOR ANY OTHER MILITARY PURPOSE.

(3) NO MATERIAL, INCLUDING EQUIPMENT AND DEVICES, TRANSFERRED TO THE IMPERIAL GOVERNMENT OF IRAN OR TO AUTHORIZED PERSONS UNDER ITS JURISDICTION PURSUANT TO THIS AGREEMENT OR THE SUPERSEDED AGREEMENT WILL BE TRANSFERRED TO UNAUTHORIZED PERSONS OR BEYOND THE JURISDICTION OF THE IMPERIAL LIMITED OFFICIAL USE
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PAGE 11 STATE 105914

GOVERNMENT OF IRAN EXCEPT AS THE ADMINISTRATION MAY AGREE TO SUCH A TRANSFER TO THE JURISDICTION OF ANOTHER NATION OR GROUP OF NATIONS AND THEN ONLY IF, IN THE OPINION OF THE ADMINISTRATION, THE TRANSFER IS WITHIN THE SCOPE OF AN AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE OTHER NATION OR GROUP OF NATIONS.

ARTICLE XI

A. THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE IMPERIAL GOVERNMENT OF IRAN EMPHASIZE THEIR COMMON INTEREST IN ASSURING THAT ANY MATERIAL, EQUIPMENT OR DEVICES MADE AVAILABLE TO THE IMPERIAL GOVERNMENT OF IRAN OR ANY PERSON UNDER ITS JURISDICTION PURSUANT TO THIS AGREEMENT OR THE SUPERSEDED AGREEMENT SHALL BE USED SOLELY FOR PEACEFUL PURPOSES AND APPROPRIATELY PROTECTED.

B. EXCEPT TO THE EXTENT THAT THE SAFEGUARDS RIGHTS PROVIDED FOR IN THIS AGREEMENT ARE SUSPENDED BY VIRTUE OF THE APPLICATION OF SAFEGUARDS OF THE INTERNATIONAL

ATOMIC ENERGY AGENCY, AS PROVIDED IN ARTICLE XII, THE GOVERNMENT OF THE UNITED STATES OF AMERICA, NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS AGREEMENT, SHALL HAVE THE FOLLOWING RIGHTS:

(1) WITH THE OBJECTIVE OF ASSURING DESIGN AND OPERATION FOR CIVIL PURPOSES AND PERMITTING EFFECTIVE APPLICATION OF SAFEGUARDS, TO REVIEW THE DESIGN OF ANY

(A) REACTOR, AND

(B) OTHER EQUIPMENT AND DEVICES THE DESIGN OF WHICH THE ADMINISTRATION DETERMINES TO BE RELEVANT TO THE EFFECTIVE APPLICATION OF SAFEGUARDS,

WHICH ARE TO BE MADE AVAILABLE UNDER THIS AGREEMENT FOR LIMITED OFFICIAL USE

PAGE 12 STATE 105914

MENT, OR HAVE BEEN MADE AVAILABLE UNDER THE SUPERSEDED AGREEMENT, TO THE IMPERIAL GOVERNMENT OF IRAN OR TO ANY PERSON UNDER ITS JURISDICTION BY THE

GOVERNMENT OF THE UNITED STATES OF AMERICA OR ANY PERSON UNDER ITS JURISDICTION, OR WHICH ARE TO USE, FABRICATE, OR PROCESS ANY OF THE FOLLOWING MATERIALS SO MADE AVAILABLE: SOURCE MATERIAL, SPECIAL NUCLEAR MATERIAL, MODERATOR MATERIAL, OR OTHER MATERIAL DESIGNATED BY THE ADMINISTRATION.

(2) WITH RESPECT TO ANY SOURCE MATERIAL OR SPECIAL NUCLEAR MATERIAL MADE AVAILABLE TO THE IMPERIAL GOVERNMENT OF IRAN OR TO ANY PERSON UNDER ITS JURISDICTION UNDER THIS AGREEMENT OR THE SUPERSEDED AGREEMENT BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA OR ANY PERSON UNDER ITS JURISDICTION ANY ANY SOURCE MATERIAL OR SPECIAL NUCLEAR MATERIAL UTILIZED IN, RECOVERED FROM, OR PRODUCED AS A RESULT OF THE USE OF ANY OF THE FOLLOWING MATERIALS, EQUIPMENT OR DEVICES SO MADE AVAILABLE:

(A) SOURCE MATERIAL, SPECIAL NUCLEAR MATERIAL, MODERATOR MATERIAL, OR OTHER MATERIAL DESIGNATED BY THE ADMINISTRATION,

(B) REACTORS, AND

(C) ANY OTHER EQUIPMENT OR DEVICES DESIGNATED BY THE ADMINISTRATION AS AN ITEM TO BE MADE AVAILABLE ON THE CONDITION THAT THE PROVISIONS

OF THIS PARAGRAPH B(2) WILL APPLY,

(LOWER CASE I) TO REQUIRE THE MAINTENANCE AND PRODUCTION OF OPERATING RECORDS AND TO REQUEST AND RECEIVE REPORTS FOR THE PURPOSE OF ASSISTING IN ENSURING ACCOUNTABILITY FOR SUCH MATERIALS, AND

(LOWER CASE II) TO REQUIRE THAT ANY SUCH MATERIAL IN THE CUSTODY OF THE IMPERIAL LIMITED OFFICIAL USE LIMITED OFFICIAL USE

PAGE 13 STATE 105914

GOVERNMENT OF IRAN OR ANY PERSON UNDER ITS JURISDICTION BE SUBJECT TO ALL OF THE SAFEGUARDS PROVIDED FOR IN THIS ARTICLE AND THE GUARANTEE SET FORTH IN ARTICLE X;

(3) TO DESIGNATE, AFTER CONSULTATION WITH THE IMPERIAL GOVERNMENT OF IRAN, PERSONNEL WHO, ACCOMPANIED, IF EITHER PARTY SO REQUESTS, BY PERSONNEL DESIGNATED BY THE IMPERIAL GOVERNMENT OF IRAN, SHALL HAVE ACCESS IN IRAN TO ALL PLACES AND DATA NECESSARY TO ACCOUNT FOR THE SOURCE MATERIAL AND SPECIAL NUCLEAR MATERIAL WHICH ARE SUBJECT TO

PARAGRAPH B(2) OF THIS ARTICLE TO DETERMINE WHETHER THERE IS COMPLIANCE WITH THIS AGREEMENT AND TO MAKE SUCH INDEPENDENT MEASUREMENTS AS MAY BE DEEMED NECESSARY; AND

(4) TO CONSULT WITH THE ORGANIZATION IN THE MATTER OF HEALTH AND SAFETY.

C. IN THE EVENT OF NONCOMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE OR OF PARAGRAPH C OF ARTICLE VIII AND THE FAILURE OF THE IMPERIAL GOVERNMENT OF IRAN TO CARRY OUT THE PROVISIONS OF THIS ARTICLE OR OF PARAGRAPH C OF ARTICLE VIII WITHIN A REASONABLE TIME, OR IN THE EVENT OF NON-COMPLIANCE WITH THE GUARANTEES SET FORTH IN ARTICLE X, THE GOVERNMENT OF THE UNITED STATES OF AMERICA SHALL HAVE THE RIGHT TO SUSPEND OR TERMINATE THIS AGREEMENT AND TO REQUIRE THE RETURN OF ANY MATERIALS, EQUIPMENT AND DEVICES REFERRED TO IN PARAGRAPH B(2) OF THIS ARTICLE.

D. THE IMPERIAL GOVERNMENT OF IRAN UNDERTAKES TO FACILITATE THE APPLICATION OF SAFEGUARDS PROVIDED FOR IN THIS ARTICLE.

ARTICLE XII

A. THE PARTIES NOTE THAT, BY AN AGREEMENT SIGNED BY THE

IMPERIAL GOVERNMENT OF IRAN AND THE INTERNATIONAL ATOMIC
ENERGY AGENCY ON JUNE 19, 1973 PURSUANT TO ARTICLE III
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PAGE 14 STATE 105914

OF THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS,
AND BY AN AGREEMENT AMONG THE PARTIES AND THE AGENCY
SIGNED BY THEM ON JUNE 19, 1973, THE AGENCY HAS BEEN
APPLYING SAFEGUARDS TO MATERIALS, EQUIPMENT AND
FACILITIES REQUIRED TO BE SAFEGUARDED UNDER THE SUPER-
SEDED AGREEMENT. THE PARTIES, RECOGNIZING THE DE-
SIRABILITY OF CONTINUING TO MAKE USE OF THE FACILITIES
AND SERVICES OF THE INTERNATIONAL ATOMIC ENERGY AGENCY,
AGREE THAT AGENCY SAFEGUARDS SHALL CONTINUE TO APPLY TO
MATERIALS, EQUIPMENT AND FACILITIES REQUIRED TO BE
SAFEGUARDED UNDER THE SUPERSEDED AGREEMENT OR UNDER
THIS AGREEMENT. IT IS UNDERSTOOD THAT THE NECESSARY
ARRANGEMENTS THEREFOR WILL BE EFFECTED WITHOUT MODIFICA-
TION OF THIS AGREEMENT AND THAT THE SAFEGUARDS RIGHTS
ACCORDED TO THE GOVERNMENT OF THE UNITED STATES OF
AMERICA BY PARAGRAPH B OF ARTICLE XI OF THIS AGREEMENT
WILL BE SUSPENDED DURING THE TIME AND TO THE EXTENT THAT
THE GOVERNMENT OF THE UNITED STATES OF AMERICA AGREES
THAT THE NEED TO EXERCISE SUCH RIGHTS IS SATISFIED BY
THE SAFEGUARDS ARRANGEMENTS AS CONTEMPLATED IN THIS
PARAGRAPH.

B. IN THE EVENT THE APPLICABLE SAFEGUARDS ARRANGEMENTS
REFERRED TO IN PARAGRAPH A OF THIS ARTICLE SHOULD BE
TERMINATED FOR ANY REASON AND, CONSEQUENTLY THE GOVERN-
MENT OF THE UNITED STATES OF AMERICA SHOULD REASSUME
THE SAFEGUARDS RIGHTS REFERRED TO IN PARAGRAPH B OF
ARTICLE XI OF THIS AGREEMENT, THE PARTIES SHALL EXAMINE
THE SITUATION SO CREATED IN THE LIGHT OF THE OBLIGATIONS
ASSUMED BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA
UNDER THE TERMS OF THE TREATY ON THE NON-PROLIFERATION
OF NUCLEAR WEAPONS SO THAT APPROPRIATE MEASURES MAY BE
TAKEN, IF NECESSARY, TO COMPLY SATISFACTORILY WITH THE
ABOVE MENTIONED OBLIGATIONS.

ARTICLE XIII

THE RIGHTS AND OBLIGATIONS OF THE PARTIES PROVIDED FOR
UNDER THIS AGREEMENT SHALL EXTEND, TO THE EXTENT APPLI-
CABLE, TO COOPERATIVE ACTIVITIES INITIATED UNDER THE
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PAGE 15 STATE 105914

SUPERSEDED AGREEMENT, INCLUDING, BUT NOT LIMITED TO,
INFORMATION, MATERIALS, EQUIPMENT AND DEVICES TRANSFERRED

THEREUNDER.

ARTICLE XIV

THE "AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF IRAN CONCERNING CIVIL USES OF ATOMIC ENERGY" SIGNED ON MARCH 5, 1957, AS AMENDED, IS SUPERSEDED BY THIS AGREEMENT ON THE DATE THIS AGREEMENT ENTERS INTO FORCE.

ARTICLE XV

EACH OF THE PARTIES SHALL PROVIDE THE OTHER PARTY WITH WRITTEN NOTIFICATION THAT IT HAS COMPLIED WITH ITS STATUTORY AND CONSTITUTIONAL REQUIREMENTS FOR ENTRY INTO FORCE OF THIS AGREEMENT. THIS AGREEMENT SHALL ENTER INTO FORCE ON THE DATE ON WHICH ONE OF THE PARTIES HAS RECEIVED THE LATTER OF SUCH NOTIFICATIONS, AND SHALL REMAIN IN FORCE FOR A PERIOD OF FORTY YEARS. THE FORT YEAR PERIOD MAY BE EXTENDED FOR SUCH ADDITIONAL PERIOD AS MAY BE AGREED BETWEEN THE PARTIES IN ACCORDANCE WITH THEIR STATUTORY AND CONSTITUTIONAL REQUIREMENTS.

IN WITNESS WHEREOF, THE UNDERSIGNED, DULY AUTHORIZED, HAVE SIGNED THIS AGREEMENT.

DONE IN WASHINGTON, IN DUPLICATE, IN THE ENGLISH AND PERSIAN LANGUAGES, BOTH EQUALLY AUTHENTIC, THIS (BLANK) DAY OF (BLANK), 19(BLANK).

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE IMPERIAL GOVERNMENT OF IRAN:
END TEXT.

3. DRAFT NOTE:

1. THE SECRETARY OF STATE PRESENTS HIS COMPLIMENTS TO HIS EXCELLENCY, THE AMBASSADOR OF IRAN, AND HAS THE HONOR TO REFER TO THE PROPOSED AGREEMENT FOR COOPERATION LIMITED OFFICIAL USE
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PAGE 16 STATE 105914

SIGNED TODAY BETWEEN THE GOVERNMENT OF THE UNITED STATES AND IMPERIAL GOVERNMENT OF IRAN CONCERNING CIVIL USES OF ATOMIC ENERGY OF WHICH THIS EXCHANGE OF NOTES SHALL BE AN INTEGRAL PART.

2. IN THE COURSE OF NEGOTIATIONS LEADING TO THIS AGREEMENT FOR COOPERATION, UNDERSTANDINGS ON SEVERAL POINTS WERE REACHED.

3. THE UNITED STATES FULLY UNDERSTANDS THAT IRAN

PLANS A VIGOROUS NATIONAL NUCLEAR POWER PROGRAM AND, IN CONNECTION THEREWITH, INTENDS TO DEVELOP CAPABILITIES IN THE NUCLEAR FUEL CYCLE AT AN APPROPRIATE TIME. THE UNITED STATES APPRECIATES THE IMPORTANCE WITH WHICH IRAN HOLDS THESE PLANS AS PART OF ITS OVERALL PROGRAM FOR GROWTH.

4. THE UNITED STATES HAS ALSO NOTED WITH PLEASURE IRAN'S DESIRE TO EXERCISE LEADERSHIP IN FURTHERANCE OF THE OBJECTIVES TO WHICH IRAN IS A PARTY, AND ITS INTENTION, WHEN UNDERTAKING SENSITIVE FUEL CYCLE ACTIVITIES IN IRAN TO DO SO UNDER CONDITIONS WHICH DEMONSTRATE IN THE MOST EFFECTIVE POSSIBLE WAY THAT SUCH ACTIVITIES ARE BEING CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THE TREATY. IN THIS REGARD, THE UNITED STATES IS ESPECIALLY PLEASED TO LEARN OF IRAN'S INTENT, AT SUCH TIME THAT REPROCESSING FACILITIES ARE ESTABLISHED IN IRAN, TO ACHIEVE THE FULLEST POSSIBLE PARTICIPATION IN THE MANAGEMENT AND OPERATION OF SUCH FACILITIES OF THE NATION OR NATIONS WHICH SERVE AS SUPPLIERS OF TECHNOLOGY AND MAJOR EQUIPMENT. THE US ALSO APPRECIATES IRAN'S INDICATION THAT IT WILL BE PREPARED, IN CONNECTION WITH THE ESTABLISHMENT OF SUCH FACILITIES, TO INVITE US ENTITIES TO PARTICIPATE FULLY AND ACTIVELY IN THEIR MANAGEMENT AND OPERATION, AND IS PREPARED TO GIVE APPROPRIATE CONSIDERATION TO THIS INVITATION WHEN SUCH FACILITIES ARE TO BE ESTABLISHED.

5. IN LIGHT OF THESE CONSIDERATIONS, THE UNITED STATES IS PLEASED TO INFORM THE IMPERIAL GOVERNMENT OF IRAN
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PAGE 17 STATE 105914

THAT, WITH RESPECT TO ARTICLE VIII, C, OF THE AGREEMENT, IN THE EVENT THAT IRAN ESTABLISHES A REPROCESSING FACILITY OF A MULTINATIONAL CHARACTER, IN WHICH THE SAFEGUARDS OF ARTICLE XI OF THE AGREEMENT MAY BE EFFECTIVELY APPLIED, INVOLVING, AT A MINIMUM, THE FULL AND ACTIVE PARTICIPATION IN THE POLICY DIRECTION, MANAGEMENT AND OPERATION OF THE FACILITY, ON A CONTINUING BASIS, OF

THE OTHER COUNTRY SUPPLYING THE REPROCESSING TECHNOLOGY, PLANT, OR PRINCIPAL EQUIPMENT, THE GOVERNMENT OF THE UNITED STATES WILL BE PREPARED TO AGREE TO THE REPROCESSING IN SUCH FACILITY OF MATERIAL SUBJECT TO ARTICLE X OF THIS AGREEMENT.

6. IN THE COURSE OF DISCUSSIONS OF THIS SUBJECT, REPRESENTATIVES OF THE IMPERIAL GOVERNMENT OF IRAN POINTED OUT THAT THE POSSIBILITY EXISTS THAT, NOTWITHSTANDING THE STRENUOUS EFFORTS WHICH IRAN IS PREPARED TO MAKE TO SECURE THE PARTICIPATION OF ANOTHER NATION OR NATIONS, ALONG THE ABOVE, INDICATED LINES, IN A REPROCESSING

FACILITY TO BE BUILT IN IRAN, SUCH PARTICIPATION MAY NOT BE ACHIEVED FOR REASONS BEYOND THE CONTROL OF THE IMPERIAL GOVERNMENT OF IRAN. IN SUCH AN EVENTUALITY, AND IN THE EVENT THE IMPERIAL GOVERNMENT OF IRAN AFFORDS A CONTINUING AND REASONABLE OPPORTUNITY FOR SUCH PARTICIPATION TO UNTIED ENTITIES, THE GOVERNMENT OF THE UNITED STATES WOULD, OF COURSE, ASSIGN A MOST IMPORTANT AFFIRMATIVE WEIGHT TO THESE CIRCUMSTANCES IN DETERMINING ITS RESPONSE TO ANY REQUEST FOR THE APPROVAL OF REPROCESSING IN IRAN OF MATERIAL SUBJECT TO ARTICLE X OF THIS AGREEMENT.

7. THE GOVERNMENT OF THE UNITED STATES IS ALSO PLEASED TO TAKE THIS OPPORTUNITY TO REAFFIRM THAT, WITH RESPECT TO IMPLEMENTATION OF ARTICLE VIII-C CONCERNING REPROCESSING, FABRICATION, STORAGE OR ALTERATION OF MATERIAL SUBJECT TO ARTICLE X OF THIS AGREEMENT, THE UNITED STATES WILL IN NO CIRCUMSTANCES SEEK TO GAIN ANY COMMERCIAL ADVANTAGE THROUGH DECISIONS AFFECTING THE LOCATION OF SUCH FACILITIES. MOREOVER, THE GOVERNMENT OF THE UNITED STATES, IN RESPONDING TO REQUESTS FOR APPROVAL OF SUCH ACTIVITIES IN IRAN, WILL IN ALL LIMITED OFFICIAL USE LIMITED OFFICIAL USE

PAGE 18 STATE 105914

CIRCUMSTANCES GIVE ITS FULL AND SYMPATHETIC CONSIDERATION, TAKING INTO ACCOUNT ALL RELEVANT CIRCUMSTANCES, INCLUDING THE FACT THAT IRAN IS A PARTY TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS, AND THAT THE PROVISIONS OF ARTICLE VIII-C ARE INTENDED SOLELY TO FURTHER THE NON-PROLIFERATION OBJECTIVES OF MUTUAL INTEREST TO BOTH PARTIES TO THIS AGREEMENT.

8. IT WAS FURTHER AGREED THAT IN CONNECTION WITH ARTICLE VIII, PARAGRAPH E OF THIS AGREEMENT, PHYSICAL SECURITY MEASURES WHICH AFFORD A LEVEL OF PROTECTION COMPARABLE TO THAT PROVIDED IN THE UNITED STATES FOR SIMILAR MATERIALS, EQUIPMENT, AND DEVICES SHALL BE DEEMED TO PROVIDE ADEQUATE PROTECTIONS AS CALLED FOR IN ARTICLE VIII-E. KISSINGER

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